

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**MBA ENGINEERING, INC., as Sponsor  
and Administrator of the MBA  
ENGINEERING, INC. EMPLOYEES  
401(K) PLAN and  
the MBA ENGINEERING, INC.  
CASH BALANCE PLAN, and  
CRAIG MEIDINGER, as Trustee  
of the MBA Engineering, Inc.  
Employees 401(k) Plan and the MBA  
Engineering, Inc. Cash Balance Plan,  
Individually and as representative of all  
others similarly situated,**

V.

Civil Action No. 3:20-cv-01915-E

**MATRIX TRUST COMPANY, et. al.,**

### *Defendants.*

**PLAINTIFFS' MOTION FOR LEAVE TO FILE THEIR SECOND AMENDED  
COMPLAINT**

Plaintiffs MBA Engineering, Inc. (“MBA”), MBA Engineering, Inc. Employees 401(K) Plan (“MBA 401(k) Plan”), MBA Engineering, Inc. Cash Balance Plan (“MBA Cash Plan”), and Craig Meidinger, as trustee of the Plans, Individually and as representative of all others similarly situated (collectively, “Plaintiffs”), and file this Motion for Leave to File their Second Amended Complaint (“Motion”) clarifying the definition of Funds to include additional Mutual Fund Fees that discovery revealed were collected and retained improperly by Defendants in addition to the 12b-1 fees and cash interest. The Second Amended Complaint is attached to the Brief and incorporated herein as **Exhibit A**. Plaintiffs ask the Court to grant this Motion for the reasons set forth in its Brief in Support with accompanying Appendix incorporated herein. Plaintiffs ask that

PLAINTIFFS' MOTION FOR LEAVE TO FILE THEIR SECOND AMENDED COMPLAINT

after granting the Motion the Court file the Second Amended Complaint in accordance with Local Rule 15.1.

Date: March 2, 2022,

Respectfully submitted,

**McCATHERN, SHOKOUEH, EVANS, GRINKE,  
PLLC**

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, hereby certify that a true and correct copy of the foregoing was served on all counsel of record through the Court's CM/ECF system on March 2, 2022.

/s/Justin N. Bryan

Justin N. Bryan

**CERTIFICATE OF CONFERENCE**

I, the undersigned attorney, hereby certify that I conferred with Defendants' counsel via email and telephone and Defendants' are opposed to this Motion.

/s/Justin N. Bryan

Justin N. Bryan